

REMARKS

This Application has been carefully reviewed in light of the final Office Action mailed February 25, 2003 ("Office Action"). Applicant respectfully requests reconsideration and favorable action in this case.

Section 103 Rejections

Claims 1-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,271,752 to Vaio ("Vaio") in view of U.S. Patent No. 6,028,626 to Aviv ("Aviv"). Applicant traverses this rejection and all assertions therein.

Independent Claim 1 recites, "receiving and storing radio frequency identification (RFID) data from an RFID system at a remote facility of a subscriber." For the teaching of this limitation, the Office Action offers the RF-ID tags and RF interrogator used in the Abnormality Detection System disclosed in Aviv. Office Action, Page 3. However, Applicant submits that the Office Action fails to cite any passage that teaches or suggests that the Abnormality Detection System that receives the RF information is remotely located from the RF-ID tags and RF interrogator. As a result, Applicant submits that the Office Action fails to consider each and every word of Claim 1. "All words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03 (citing *In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). In judging the patentability of Claim 1, the Office Action fails to consider at least "remote facility," which is impermissible.

Aviv discloses picture input means 10 that "detect and record very rapid movements of body parts that are commonly indicative of a criminal intent." Col. 4, Lines 53-56. The picture processing means 12 segments each captured image to isolate people within the field of view. Col. 5, Lines 38-40. Based on the isolated people in each frame, comparison means 14 compares these frames to determine whether the various positions and movements of body parts of an individual indicate criminal intent. Col. 7, Lines 58-60. The RF-ID tags and RF interrogator offered by the Office Action simplify this process by identifying authorized individuals and communicating the RF information to the Abnormality Detection System that uses this information to remove authorized individuals from the assessment process. Col. 9, Line 60 to Col. 10, Line 10. However, the Office Action fails to cite any passage that teach

or suggest that the RF-ID tags and RF interrogator are remotely located from the Abnormality Detection System. For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claim 1 and its dependents 2-14.

Independent Claim 15 recites, "determining whether access by a wearer of the RFID tag to the secure area is authorized based on the radio response." The Office Action fails to cite any passage of *Aviv* or *Vaios* for the teaching of this limitation. As discussed above, the RFID tags disclosed in *Aviv* merely provides a means of removing the movements of authorized personnel from the Abnormality Detection System. Col. 9, Line 60 to Col. 10, Line 10. As stated by the Examiner, *Vaios* does not teach the use of RFID tags with any system. Office Action, Page 3. Accordingly, Applicant respectfully requests reconsideration and allowance of Claim 15 and its dependents 16-19.

Independent Claim 20 recites, "determining whether the RFID action corresponds to a pre-defined alert condition." The Office Action fails to cite any passage of *Aviv* or *Vaios* for the teaching of this limitation. Accordingly, Applicant respectfully requests reconsideration and allowance of Claim 20 and its dependents 21-24.

Independent Claim 25 recites, "receiving a request by a person for access to a restricted area operated by a subscriber." The Office Action fails to cite any passage of *Aviv* or *Vaios* for the teaching of this limitation. Accordingly, Applicant respectfully requests reconsideration and allowance of Claim 25 and its dependents 26-27.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all the pending claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicant hereby requests a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

Although Applicant believes no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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